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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,707	09/29/2003	Mitsuhiro Urazoe	F-7976	2452
28107	7590	08/02/2006	EXAMINER	
JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			LAI, VINCENT	
			ART UNIT	PAPER NUMBER
			2181	

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/673,707

Applicant(s)

URAZOE, MITSUHIRO

Examiner

Vincent Lai

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- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/29/2003
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 2003 September 29 was considered by the examiner.

### ***Specification***

3. The abstract of the disclosure is objected to because of its length. The abstract is in excess of the 150-word limit. Correction is required. See MPEP § 608.01(b).
4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Digital Audio Recoding, Reproducing Apparatus and Recording/Reproducing Apparatus."

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**Claim Objections**

5. Claims 6 and 13 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoffberg et al (U.S. Patent # 6,640,145 B2), herein referred to as Hoffberg.

As per claim 1, Hoffberg discloses a recording apparatus for recording a received signal as digital data in a file format comprising:

a buffer memory for temporarily storing the received signal as digital data (See column 106, lines 27-36: The high quality intermediate storage is a buffer for received data);

a storage means for storing the digital data as files (See column 109, lines 22-23 and 37-42: Any storage medium is possible, including a CD ROM or memory);

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a control means for performing a control to cause the digital data temporarily stored in said buffer memory to be stored in said storage means as files (See figure 22: Data stored in buffer is inherently moved to a more stable/permanent memory/storage); and

a manual input means for inputting a division command for dividing the digital data at an arbitrary instant (See column 107, lines 32-37: User preferences can be entered);

wherein said control means carries out the control in such a manner that the digital data continuously received and stored in said buffer memory is stored in said storage means at a writing speed which is higher than a speed at which the digital data was stored in said buffer memory (See column 106, lines 32-36: The buffer is meant to hold data when storage is too slow when streaming data is being input), while being divided into files in response to the division command from said manual input means (See column 107, lines 18-31: Data can be saved in samples).

As per claim 2, Hoffberg discloses a recording apparatus for recording a received signal as digital data in a file format comprising:

a buffer memory for temporarily storing the received signal as digital data (See column 106, lines 27-36: The high quality intermediate storage is a buffer for received data);

a storage means for storing the digital data as files; a control means for performing a control to cause the digital data temporarily stored in said buffer memory

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to be stored in said storage means as files (See column 109, lines 22-23 and 37-42:

Any storage medium is possible, including a CD ROM or memory); and

a division managing means for generating a division timing signal (See column 77, lines 6-41: Timing can be done through various methods) for dividing the digital data at an arbitrary instant (See column 107, lines 18-20: The system can create samples from the stream);

wherein said control means carries out the control in such a manner that the digital data continuously received and stored in said buffer memory is stored in said storage means at a writing speed which is higher than a speed at which the digital data was stored in said buffer memory, while being divided into files in response to the division timing signal from said division managing means (See column 106, lines 32-36: The buffer is meant to hold data when storage is too slow when streaming data is being input), while being divided into files in response to the division command from said manual input means (See column 107, lines 18-31: Data can be saved in samples).

As per claim 3, Hoffberg discloses wherein said division managing means generates said division timing signal at a predetermined time interval or at each of preset time instants (See column 77, lines 6-41: Timing can be done when it is most probable for an action).

As per claim 4, Hoffberg discloses wherein said division managing means generates said division timing signal when a predetermined change in environmental

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condition has occurred or when a predetermined signal is received from the outside  
(See column 77, lines 6-41: Timing can be done at predetermined time or as an input).

As per claim 5, Hoffberg discloses wherein said division managing means comprises an artificial intelligence fuzzy-judgment means which generates said division timing signal based on an automatic judgment (See column 116, lines 27-31: Fuzzy logic can be used for predicting when divisions are to be made).

As per claim 6, Hoffberg discloses further comprising a manual input means for inputting a division command for dividing the digital data at an arbitrary instant (See column 107, lines 32-37: User preferences can be entered), wherein said control means performs the control of dividing the digital data into files in response to the division command from said manual input means or the division timing signal from said division managing means (See column 107, lines 18-31: Data can be saved in samples).

As per claim 7, Hoffberg discloses a reproducing apparatus for reproducing digital data stored in a file format. Hoffman states in column 154, lines 30-32 that the retrieval of data stored can be done in an analogous fashion as storing of data. Thus the rejection of claim 7 will mirror that of claim 1.

As per claim 8, Hoffberg discloses a recording/reproducing apparatus for a received signal as digital data stored in a file format. Hoffman states in column 154,

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lines 30-32 that the retrieval of data stored can be done in an analogous fashion as storing of data. Given that Hoffman discloses both the recording and reproduction aspect of the invention, the rejection of claim 8 will mirror that of claim 1 and 7.

As per claims 9-13, Hoffberg discloses a recording/reproducing apparatus for a received signal as digital data stored in a file format. Hoffman states in column 154, lines 30-32 that the retrieval of data stored can be done in an analogous fashion as storing of data. Given that Hoffman discloses both the recording and reproduction aspect of the invention, the rejection of claim 9-13 will mirror that of claim 1-8.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to show further art related to a digital audio recoding apparatus, reproducing apparatus and recording/reproducing apparatus:

U.S. Patent # 5,483,643 to Akagiri et al shows a compressed data recording and/or reproducing apparatus and signal processing method.

U.S. Patent # 5,530,750 to Akagiri shows an apparatus, method, and system for compressing a digital input signal in more than one compression mode.



U.S. Patent # 6,009,386 to Cruickshank et al shows a speech playback speed change using wavelet coding, preferably sub-band coding.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent Lai whose telephone number is (571) 272-6749. The examiner can normally be reached on M-F 8:00-5:30 (First BiWeek Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fritz M. Fleming can be reached on (571) 272-4145. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vincent Lai  
Examiner  
Art Unit 2181

vi  
June 1, 2006

*Supervisory*  
*6/12/2006*  
*AA 2181*